

PINSKY & SKANDALIS, P.C.

Attorneys and Counselors at Law

5790 WIDEWATERS PARKWAY, SUITE 250
SYRACUSE, NEW YORK 13214
(315) 446-2384
(315) 446-3016 (Facsimile)
www.PinskySkandalis.com

October 28, 2021

Via ECF - electronic filing only

Hon. Therese Wiley Dancks
United States District Court for the Northern District of New York
Federal Building and U.S. Courthouse
P.O. Box 7346
Syracuse, New York 13261-7346

Re: *Ceceleta Maitland, M.D. v. The State of New York, et al.*
Case No. 5:21-cv-00475-MAD-TWD

Dear Judge Dancks:

I represent University Radiology Associates, LLP (“URA”), one of the defendants in the above-captioned matter. I submit this letter to request clarification or an extension of the previously entered deadlines for all Defendants’ answers (or motions to dismiss), presently set on November 26, 2021.

As a matter of background, Plaintiff filed her complaint alleging employment discrimination, among other things, on April 25, 2021 (Dkt. 1). Defendants’ attorneys submitted pre-motion letters to Judge D’Agostino on September 10th (Dkt. 14 and Dkt. 15). In my letter submitted on URA’s behalf, I identified that Plaintiff failed to properly serve URA. (Dkt. 15). After a September 21st telephone conference with Judge D’Agostino, the Court granted Plaintiff leave to file an amended complaint by October 12th and Defendants until November 26th or 45 days after receipt of the amended complaint to file their motions to dismiss.

Plaintiff filed an amended complaint on October 12, 2021 (Dkt. 20). The amended complaint added 12 new, separately delineated causes of action, along with some additional factual allegations. On October 13th, the Court entered a text order setting deadlines for all Defendants (other than Defendant Lisa Qi Wang, M.D. at Dkt. 21) to file answers by November 26, 2021.

Since then, however, Plaintiff has requested additional time to perfect service on Dr. Wang (Dkt. 22) and URA (Dkt. 26). Although Plaintiff’s counsel has not conceded that service on URA was improper, on October 26, 2021, Plaintiff filed a motion seeking an additional 8 weeks to serve URA. (Dkt. 26). Earlier today, on October 28, 2021, Plaintiff was granted until December 31, 2021 to serve URA (Dkt. 27), which is the same date as when Plaintiff must serve Dr. Wang

pursuant to an October 19th order (Dkt. 24). The Court has issued new summonses for both defendants (Dkt. 25 and Dkt. 28).

Given that Plaintiff has been granted until December 31, 2021 to properly serve URA, we respectfully request that the November 26, 2021 deadline for URA to file an answer or a motion to dismiss be extended until February 14, 2022, which is 45 days after Plaintiff's deadline for service.

I have spoken on this issue with the newly assigned attorney from the New York State Attorney General's Office, Jonathan S. Reiner, who has replaced Brian Matula as counsel for the other defendants (other than Dr. Benjamin and Dr. Wang) (Dkt. 29). On behalf of those defendants, Mr. Reiner consents to and joins in this request to reschedule the Defendants' deadline to file answers or motions to dismiss. I agree that in the interest of judicial economy, it is logical to have the Defendants' answers or motions due at the same time, rather than separate deadlines for separate litigants.

Upon request, we will submit any additional information that the Court may require. We appreciate your consideration of this request.

Very truly yours,

/s/ Todd J. Pinsky
Todd J. Pinsky, Esq.
tpinsky@pinskykandalis.com

cc: All Counsel of Record via CM/ECF
Jonathan S. Reiner, Esq. (Attorney for Co-Defendants) – via CM/ECF only
Jeffrey R. Parry, Esq. (Attorney for Plaintiff) – via CM/ECF only